

**BOARD OF SELECTMEN**

Monday, April 11, 2005

Crystal Lake School - Gymnasium

**SELECTMEN PRESENT:** Peter Charter, Dennis Frawley, Mark Leighton, Dennis Milanovich, A. Leo Miller, Michael Stupinski and Nancy Way

**OTHERS PRESENT:** Crystal Lake Sailing Club: W. Moody; Vernon Area Cable TV Advisory Council: C. Slicer; Crystal Lake Association: M. Mickiewicz, President, T. Lawlor, Vice President; BOE School Facilities Study Committee: M. Blanchette, D. Roberson, G. Magnuson; Superintendent of School: R. Packman; School Administration: T. Littizzio; BOF Chair: R. Pagani; Building Official: P. Williams; Residents: C. Milnes, E. Boothroyd, D. Dubuc, P. Miller, G. Colli, B. Sullivan, S. Maztak

**PUBLIC HEARING – CRYSTAL LAKE SAILING CLUB FOR REGATTA PERMIT**

First Selectman Milanovich opened the public hearing at 7:30 p.m. and read the **attached** legal notice. He asked for comments from the public.

Walter Moody, 32 East Shore Road, Commodore of the Crystal Lake Sailing Club, briefly explained the Regatta Permit. He stated that the permit is the same as it has been for the last 15 years. Most races will take place on Sundays from 1:00 p.m. to 3:00 p.m., weather permitting.

Mr. Stupinski spoke in favor of the permit noting that the event is a well-attended tradition.

Hearing no further comments, Mr. Milanovich closed the Public Hearing at 7:32 p.m.

**BOARD OF SELECTMEN:**

**I. CALL TO ORDER:**

First Selectman Milanovich called the meeting of the Board of Selectmen (BOS) to order at 7:32 p.m.

## II. CITIZENS' FORUM:

Carl Slicer, 185 Windsorville Road and member of the Vernon Area Cable TV Advisory Council, came forward. He reviewed the services available to the Town through Comcast and encouraged the members to take advantage of the benefits offered through the community access channels. He explained that the cost for government and education services is paid by the cable subscribers. Mr. Slicer encouraged the BOS to contact the Executive Director of the Community Voice Channel to discuss the services available to the Town.

## III. APPROVAL OF MINUTES:

### A. March 14, 200 Special Town Meeting

MOVED (FRAWLEY), SECONDED (LEIGHTON) AND PASSED UNANIMOUSLY TO APPROVE THE MARCH 14, 2005 SPECIAL TOWN MEETING MINUTES.

### B. March 14, 2005 Board of Selectmen Meeting:

This item was tabled to the May 16, 2005 meeting.

### C. March 29, 2005 Board of Selectmen Special Meeting

MOVED (FRAWLEY), SECONDED (LEIGHTON) AND PASSED [MILLER/CHARTER ABSTAINED] TO APPROVE THE MARCH 29, 2005 BOARD OF SELECTMEN SPECIAL MEETING MINUTES.

## IV. UNFINISHED BUSINESS:

### A. Update on Status of Plan of Conservation and Development

### B. Update on Status of Planning & Zoning Regulations Revisions

Items A. and B. were discussed together. Mr. Milanovich referenced a memo from the Town Planner, on behalf of the Planning and Zoning Commission, dated April 11, 2005 requesting that the BOS waive the bidding process for the Plan of Conservation and Development and the Regulations Amendments. Mr. Pagani asked that the Board of Finance be kept updated on the cost estimates so they can have a better idea on how much to budget for in the next fiscal year.

MOVED (FRAWLEY), SECONDED (STUPINSKI) AND PASSED UNANIMOUSLY TO WAIVE THE NORMAL BIDDING PROCEDURES, AS RECOMMENDED BY THE PLANNING ZONING COMMISSION, AND AUTHORIZE THE FIRST SELECTMAN TO COMMENCE NEGOTIATIONS WITH PLANIMETRICS OF AVON, CT TO PROVIDE CONSULTANT SERVICES FOR THE PLAN OF CONSERVATION AND DEVELOPMENT AND THE PLANNING AND ZONING REGULATIONS REVISION PROJECTS.

### C. Personnel Rules and Regulations Revision

MOVED (FRAWLEY), SECONDED (LEIGHTON) AND PASSED UNANIMOUSLY THAT THE BOS PERSONNEL POLICIES COMMITTEE CONDUCT A REVIEW OF ALL COMMENTS AND SUGGESTED REVISIONS CONCERNING THE PERSONNEL RULES AND REGULATIONS AND PROVIDE A RECOMMENDATION AT THEIR EARLIEST CONVENIENCE TO THE FULL BOARD OF SELECTMEN AT A FUTURE MEETING.

Mrs. Way asked Mr. Milanovich when she can expect the financial accounting for the services rendered by the Labor Attorney for review of the Personnel Rules and Regulations. Mr. Milanovich stated that 43 hours were expended over one year for a total of approximately \$7,000. He noted that 10 hours have been expended since October. Mrs. Way questioned why the Labor Attorney did a complete re-write. Mr. Leighton responded that a significant re-write was necessary to comply with current laws. He stated that the review by the Labor Attorney was a necessary expenditure to protect the BOS and to ensure the revision was done properly. Mr. Leighton stated that he was somewhat astounded that the revision filtered through the Town employees which necessitated more reviews by the Labor Attorney. Mrs. Way stated that the revisions pertained mostly to personnel issues and not the law. Mr. Milanovich stated that the draft was weak and not reflective of current language for municipal employees and he genuinely wanted to improve the product. Mr. Stupinski referenced a letter he sent stating that the generation of the completely new document was unnecessary.

D. Pinney House Request to Contact Proprietor – Response

Mr. Milanovich noted the response from the Santini's dated March 30, 2005 **(attached)** re: donation of Pinney House and surrounding property to the Town of Ellington. Mr. Stupinski stated that he also sent a letter to the Santini's.

E. Fire Hydrants

Mr. Charter stated that Ted Graziani provided him with the CT Water Company's Summary of Procedures for Fire Hydrants in the Town of Ellington regarding maintenance **(attached)**. Mr. Charter requested that Mr. Milanovich set up a meeting with the Connecticut Water Company to discuss the fees. Mr. Charter asked to be included in the meeting.

V. NEW BUSINESS:

MOVED (FRAWLEY), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO ADD TO NEW BUSINESS: **ITEM E, REQUEST TO HIRE ASSISTANT ANIMAL CONTROL OFFICER/APPROVE REVISED JOB DESCRIPTION AND ITEM F, RESOLUTION – OPPOSING ELIMINATION OF THE CDBG PROGRAM.**

A. Tax Refunds/Abatements:

MOVED (FRAWLEY), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO APPROVE THE TAX REFUNDS IN THE AMOUNT OF \$4,392.67, AS RECOMMENDED BY THE TAX COLLECTOR IN THE REFUNDS/ABATEMENTS STATEMENT. **(ATTACHED)**

B. Crystal Lake Sailing Club Regatta Permit Application:

MOVE (FRAWLEY), SECONDED (LEIGHTON) AND PASSED UNANIMOUSLY TO APPROVE THE 2005 APPLICATION FOR A REGATTA PERMIT, AS REQUESTED BY THE CRYSTAL LAKE SAILING CLUB.

### C. School Facilities Study Report

Dale Roberson, Maurice Blanchette, Gary Magnuson and Dr. Richard Packman, members of School Facilities Study Committee, came forward. Mr. Roberson distributed Appendix G of the School Facilities Study. Mr. Blanchette referenced the report distributed to the Board of Education in March 2005. He also presented a slide show highlighting the Study Committee's findings and recommendations. There was some discussion on the need to expand the schools so soon after extensive renovations. Mr. Blanchette explained that the Ellington Middle School was started over 8 years ago and is now at the planned capability. Mr. Magnuson reviewed the student population figures provided by Dr. Prowda. He stated that the State accepts Dr. Prowda's estimates for reimbursement; however, he noted that historically actual student population figures have been higher. Dr. Packman added that many factors impact the growth projections. Some BOS members pointed out limitations for expansion especially at the High School. Mr. Magnuson stated that Doug Moser has indicated that the expansions/renovations are feasible; however, he did not get into the logistics. There was also discussion regarding the possibility of construction of a new school. In conclusion, Mr. Blanchette stated that it is important that the BOS understand the report and the problems identified by the Committee. Mr. Milanovich thanked the Committee members for their presentation and effort.

### D. Crystal Lake Association – Mark Mickiewicz, President

Mark Mickiewicz and Tom Lawler came forward. Mr. Mickiewicz reviewed the Crystal Lake Association's 3 critical areas of concern: [1] restoration of funding for water analysis/testing program; [2] repair of the Crystal Lake Dam which is critical to the water level of the lake; and [3] upgrade the storm water drainage system at Crystal Lake. Mr. Lawlor distributed the Connecticut Lakes Economic Study Fact Sheet issued by the DEP which reviews the economic importance of lake water quality as it impacts property values.

Don Dubuc, 4 Elm Street, expressed concern with run off from adjacent properties. He stated that he is having trouble getting someone from the Town to look at his property.

Corinne Milnes, 147 West Shore Road, stated that the continuation of the lake water testing is extremely important. She distributed photographs of the algae problems she is experiencing in water in front of her home.

Ernie Boothroyd, Hare Road, stressed the importance of the dam to protect Crystal Lake. Mr. Milanovich asked who owns the dam. Mr. Mickiewicz stated that the dam is owned by the estate of John Guiliano and the estate is currently trying to decide what to do with the property. There was discussion on who owns the lake. Mr. Pagani stated that it was generally decided that the Town of Ellington owns the lake but the rights were bought by the mill company. Mr. Stupinski stated that the DEP is responsible to inspect the lake and make recommendations. Mr. Mickiewicz stated that the DEP has indicated that it is not unusual for the State to take ownership and responsibility of a lake. Mr. Milanovich stated that he has started discussions with the State DEP regarding the above concerns.

Mr. Moody explained the importance of the drawn-down mechanism of the dam. He also expressed concern with the storm water run off contaminating the lake.

A resident from 139 West Shore Road stated that it sometimes feels that the lake region is separate from the rest of the Town of Ellington and suggested creating a separate tax district. Mr. Leighton stated that Crystal Lake is an integral part of Ellington and the problems in this area are addressed the same as any other part of Town. Mr. Milanovich stated that any interest group in Town can make the same argument and the ability to fund any project is driven by the tax base.

Phyllis Miller, 14 East Shore Road, read excerpts from a letter she read at a Board of Finance Meeting, expressing her concerns with water testing at Crystal Lake. She stressed that it is essential that the Town be proactive rather than reactive to the issues at the lake.

George Colli, 5 Manhattan, stated that the lake residents pay higher property taxes and was puzzled how the Town could remove the \$3,000 funding for water quality testing. He added that if water quality is lost, property values will decrease. Mr. Milanovich stated that the revision to the Plan of Conservation and Development will address population density and water quality.

Bob Sullivan, Homes Road, asked that funding be restored for water quality testing.

Mr. Pagani stated that the reason \$3,000 for water quality testing was cut from the budget was because 2 budget referendums were defeated. He encouraged the members of the audience to support the budget and vote at the budget referendum.

MOVED (STUPINSKI), SECONDED (MILLER) AND PASSED UNANIMOUSLY THAT THE BOS RECOMMEND THAT THE BOF ALLOCATE \$3,000 TO THE 2005-06 BUDGET FOR WATER QUALITY TESTING AT CRYSTAL LAKE.

- E. Request to Hire Assistant Animal Control Officer/Approve Revised Job Description:

MOVED (FRAWLEY), SECONDED (LEIGHTON) AND PASSED UNANIMOUSLY TO AUTHORIZE THE FIRST SELECTMAN TO HIRE A PART-TIME ASSISTANT ANIMAL CONTROL OFFICER AT A SALARY OF \$9.50 PER HOUR, AS RECOMMENDED BY THE ANIMAL CONTROL OFFICER AND TO APPROVE THE REVISED JOB DESCRIPTION FOR THIS POSITION. **(ATTACHED)**

- F. Resolution – Opposing Elimination of the CDBG Program:

MOVE (FRAWLEY), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO ADOPT THE RESOLUTION OPPOSING ELIMINATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, AS SUBMITTED. **(ATTACHED)**

#### VI. ADMINISTRATIVE REPORTS: (so noted)

##### A. Building Official

##### 1. Discussion of Building Department matters:

Mrs. Way stated that she did not receive adequate answers to the questions she and Mr. Charter submitted to the Building Official. Due to the late hour of the meeting, she requested that this matter be assigned to a BOS subcommittee to be discussed in Executive Session. Mr. Milanovich stated that he will schedule a Special Board of Selectmen meeting for April 25, 2005 at 7:30 p.m. for the full board to listen to the objections and to sort out the details of Mrs. Way's and Mr. Charter's concerns.

Mr. Williams stated that he is confused as he has answered all the questions presented by Mrs. Way and Mr. Charter. If an Executive Session is held, he requested that the BOS provide him with the details of the charges or allegations.

Mr. Maztak stated that he went directly to Peter Charter and handed him a folder regarding the construction of his building and indicated that his records were an open book. He asked Mrs. Way why she went to Social Services to investigate his loan. Mrs. Way replied that she asked about the criteria to obtain the loan.

VII. SELECTMEN COMMITTEE REPORTS:

A. Personnel Committee:

1. Resignations: None.

MOVED (WAY), SECONDED (FRAWLEY) AND PASSED UNANIMOUSLY TO ACCEPT THE RESIGNATION OF ROBERT THIESING FROM THE PERMANENT BUILDING COMMITTEE EFFECTIVE JULY 1, 2005.

MOVED (CHARTER), SECONDED (FRAWLEY) AND PASSED UNANIMOUSLY TO ACCEPT THE RESIGNATION OF DOUGLAS FLAMINO FROM THE PERMANENT BUILDING COMMITTEE EFFECTIVE JULY 1, 2005.

MOVED (WAY), SECONDED (STUPINSKI) AND PASSED UNANIMOUSLY TO RESIGNATION OF ALFRED FRANCIS FROM THE ZONING BOARD OF APPEALS TO THE BOARD.

B. Appointments

MOVED (STUPINSKI), SECONDED (FRAWLEY) AND PASSED UNANIMOUSLY TO REAPPOINT JAMES ALEXANDER TO THE BUILDING CODE BOARD OF APPEALS FOR A FIVE-YEAR TERM TO APRIL 30, 2010.

MOVED (STUPINSKI), SECONDED (FRAWLEY) AND PASSED UNANIMOUSLY TO REAPPOINT JULIUS WILLIAMS TO THE CULTURAL ARTS COMMISSION TO FEBRUARY 28, 2009.

MOVED (STUPINSKI), SECONDED (CHARTER) AND PASSED UNANIMOUSLY TO REAPPOINT JONATHAN ALLEN AND DIANE O'HAGAN TO THE INSURANCE ADVISORY BOARD FOR FOUR-YEAR TERMS TO APRIL 30, 2009.

MOVED (STUPINSKI), SECONDED (FRAWLEY) AND PASSED UNANIMOUSLY TO REAPPOINT DANIEL PARISI TO THE WATER POLLUTION CONTROL AUTHORITY FOR A FOUR-YEAR TERM TO APRIL 30, 2009.

MOVED (STUPINSKI), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO APPOINT DUANE ZAHNER TO THE ZONING BOARD OF APPEALS TO FILL AN UNEXPIRED REPUBLICAN TERM TO DECEMBER 5, 2005.

MOVED (FRAWLEY), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO APPOINT ADAM LaFLECHE AS A REGULAR MEMBER OF THE ZONING BOARD OF APPEALS TO FILL AN UNEXPIRED DEMOCRATIC TERM TO DECEMBER 5, 2005, CHANGING HIS STATUS FROM ALTERNATE MEMBER.

VIII. SELECTMEN LIAISON REPORTS: None.

IX. FIRST SELECTMAN'S REPORT:

Mr. Stupinski asked if the Town Attorney submitted a response to his letter regarding appropriating money from the EVAC service fee fund to pay for EVAC salaries. Mr. Milanovich responded no.

Mr. Charter asked for the final figures for the High School expansion project. Mr. Milanovich stated that he submitted the figures to the Permanent Building Committee (PBC) and now the PBC needs to review the options and determine how to close the job out.

Mrs. Way asked why the Town Attorney account is over-budget. Mr. Milanovich stated that labor issues and the constable negotiations accounted for some of the overage. He will provide her with a breakdown.

X. CORRESPONDENCE: So noted.

XI. ADJOURNMENT:

MOVED (CHARTER), SECONDED (STUPINSKI) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING OF THE BOARD OF SELECTMEN AT 10:27 P.M.

Submitted by \_\_\_\_\_ Approved by \_\_\_\_\_  
Marie Sauve Dennis C. Milanovich